IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 5697/2005
(Har Gopal Vyas Vs. State of Rajasthan & Ors.)

Date of Order : 15/01/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Parmendra Bohra for the petitioner.
Mr. Rameshwar Dave, Dy. Govt. Advocate for non-petitioners.

BY THE COURT:-

By an application being I.A. No. 4078/06, the petitioner submits that the controversy involved in the instant writ petition is squarely covered by the decision of this Court in Anand Kumar Maharishi Vs. State of Rajasthan & Anr, S.B.Civil Writ Petition No. 814/1982 decided on 3rd August, 1993. The order passed in Anand Kumar Maharishi came to be affirmed by Division Bench of this Court in D.B.Civil Special Appeal (Writ) No. 756/96 decided on 15.5.1997 and SLP filed by the State against the decision of the Division Bench also came to be dismissed by the Hon'ble Supreme Court on 8.5.1998. Learned Deputy Government Advocate appearing for the non-petitioners does not dispute this proposition.

By the instant writ petition, the petitioner seeks a direction to the non-petitioner to grant all consequential benefits in pursuance of fixation of his pay in the Rajasthan Civil Services (Revised New Pay Scales) Rules, 1976 with the benefit of jumps as finally adjudicated by this Court in S.B.Civil Writ Petition No.814/82 Anand Kumar Maharishi Vs. State of Rajasthan and Anr.

The Division Bench in D.B.Civil Special Appeal (Writ) No. 756/96 decided on 15.5.1997 held that "if the existing pay scales do operate in the same manner, we have no hesitation in holding in agreement with the learned Single Judge that the writ petitioner respondent would have been entitled to the same benefits of a jump for the pay scale irrespective of a change of his position from the work-charge employee to that of a permanent L.D.C. under the new set up. He did not derive the benefit of a jump as a work charge Munshi. We cannot find fault with the reasonings as given by the learned Single Judge in allowing the writ application and granting the benefit to the writ petitioner respondent so as to strike down the office order and the Government Circular impugned in the writ application."

In this view of the matter, the instant writ petition is allowed in terms of the order passed by this Court in Anand Kumar Meharishi Vs. State of Rajasthan and Anr. S.B.Civil Writ Petition No.814/1982 as affirmed by the Division Bench in State

of Rajasthan and Anr. Vs. Shri Anand Kumar Maharishi D.B.C.Special Appeal (Writ) No. 756/96. There shall be no order as to costs. The application being I.A. No.4078/06 also stands disposed of.

(H.R.PANWAR),J.

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